

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SETH CAMERON PULLEN,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 1:21-cv-00404-ADA-HBK

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DENYING
PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT, GRANTING DEFENDANT'S
CROSS-MOTION FOR SUMMARY
JUDGMENT, AND AFFIRMING THE
DECISION OF THE COMMISSIONER OF
SOCIAL SECURITY

(ECF Nos. 25, 26, 29)

Plaintiff Seth Cameron Pullen (Plaintiff) initiated this action seeking judicial review of a final decision of the Commissioner of Social Security. (ECF No. 1.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302(c)(15).

On January 24, 2023, the assigned Magistrate Judge issued findings and recommendations recommending that Plaintiff's motion for Summary Judgment be denied, Defendant's cross-motion for Summary Judgment be granted, and the Commissioner's decision be affirmed. (ECF No. 29.) The findings and recommendations contained a notice that any objections were due within fourteen (14) days from the date of service. (*Id.*) On February 6, 2023, Plaintiff timely filed objections to the findings and recommendations that largely reiterate the arguments made in the opening brief. (ECF No. 30.)

///

1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), the Court has conducted a
2 *de novo* review of this case. Having carefully reviewed the entire file, including Plaintiff's
3 objections, the Court concludes that the Magistrate Judge's findings and recommendations are
4 supported by the record and proper analysis.

5 In the objections, Plaintiff argues that the assessed residual functional capacity (RFC) fails
6 to account for Dr. Portnoff's assessment that Plaintiff is moderately to markedly limited in his
7 ability to deal with stress encountered in a competitive work environment, and moderately limited
8 in his ability to complete a normal workday or workweek without interruptions from his psychiatric
9 conditions. (*Id.*) According to Plaintiff, this was error by the Administrative Law Judge (ALJ)
10 which requires remand. (*Id.*) However, this argument was thoroughly considered by the assigned
11 Magistrate Judge's findings, including citations to cases from this district that found an RFC
12 determination adequately accounted for stress-related and attendance limitations by limiting a
13 Plaintiff to unskilled, simple, repetitive work and reduced interpersonal contact. (ECF No. 29 at 8-
14 10.)

15 Specifically, the assigned Magistrate Judge's findings explain that in determining the RFC,
16 the ALJ must consider all limitations, severe and non-severe, that are credible and supported by
17 substantial evidence in the record. (ECF No. 29 at 8) (quoting *Bayliss v. Barnhart*, 427 F.3d 1211,
18 1217 (9th Cir. 2005)). A claimant's RFC is a matter for the ALJ to determine. *Vertigan v. Halter*,
19 260 F.3d 1044, 1049 (9th Cir. 2001). Thus, an RFC determination will be affirmed if supported by
20 substantial evidence. *Id.* However, "an ALJ need not 'explicitly transcribe [each] limitation in the
21 RFC,' provided he [or she] 'account for it in [the] translation.'" (*Id.* at 8-9) (citing *Spencer v.*
22 *Kijakazi*, No. 1:21-cv-00065-AWI-BAM, 2022 WL 4482567, at *5 (E.D. Cal. Sept. 27, 2022)).

23 The Magistrate Judge found that an ALJ did adequately account for these limitations by
24 limiting the Plaintiff to occasional interaction with co-workers and the public, or in this case, no
25 contact with the public and limited contact with co-workers, and to the performance of simple,
26 routine, tasks. (*Id.* at 9) (citing *Spencer*, 2022 WL 4482567, at *5) (simple task encompasses low
27 stress tolerance); *see also Calisti v. Colvin*, No. 1:14-CV-02000-SKO, 2015 WL 7428724, at *7
28 (E.D. Cal. Nov. 23, 2015) (holding RFC including limitations for simple, repetitive work

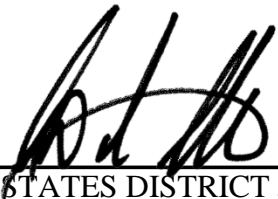
adequately captured moderate limitations in maintaining attendance, completing a normal workday without interruptions from psychiatric condition and dealing with stress). Thus, the Magistrate Judge found that the ALJ's decision in this case is supported by substantial evidence, and it properly considered all of Plaintiff's limitations in the RFC. (*See* ECF No. 29 at 10.)

ACCORDINGLY, it is so ORDERED:

1. The findings and recommendations issued on January 24, 2023, (ECF No. 29) are ADOPTED in full;
2. Plaintiff's Motion for Summary Judgment (ECF No. 25) is DENIED;
3. Defendant's Motion for Summary Judgment (ECF No. 26) is GRANTED;
4. The decision of the Commissioner of Social Security is AFFIRMED; and
5. The Clerk of Court shall enter judgment in favor of Defendant, terminate any deadlines, and close this case.

IT IS SO ORDERED.

Dated: March 27, 2023


UNITED STATES DISTRICT JUDGE